

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF VENTURA  
VENTURA DIVISION**

**TENTATIVE RULINGS**

EVENT DATE: 09/22/2015  
JUDICIAL OFFICER: Kevin DeNoce

EVENT TIME: 08:20:00 AM

DEPT.: 43

CASE NUM: 56-2014-00461060-CU-NP-VTA

CASE TITLE: P.Q.L INC VS REVOLUTION LIGHTING TECHNOLOGIES INC

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Non-PI/PD/WD tort - Other

EVENT TYPE: Motion to Appoint Discovery Referee

CAUSAL DOCUMENT/DATE FILED: Motion - Other, 08/14/2015

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With respect to the below scheduled tentative ruling, no notice of intent to appear is required. If you wish to submit on the tentative decision, you may submit a telefax to Judge DeNoce's secretary, Hellmi McIntyre at 805-662-6712, stating that you submit on the tentative. Do not call in lieu of sending a telefax, nor should you call to see if your telefax has been received. If you submit on the tentative without appearing and the opposing party appears, the hearing will be conducted in your absence. This case has been assigned to Judge DeNoce for all purposes.

Absent waiver of notice and in the event an order is not signed at the hearing, the prevailing party shall prepare a proposed order and comply with CRC 3.1312 subdivisions (a), (b), (d) and (e). The signed order shall be served on all parties and a proof of service filed with the court. A "notice of ruling" in lieu of this procedure is not authorized.

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**The court's tentative ruling is as follows:**

The motion is denied. Plaintiff has not met its burden.

**Discussion:**

Per the stipulated Protective Order, it is the burden of P to establish that the customer list is a trade-secret. *Morlife, Inc. v. Perry* (1997) 56 Cal.App.4th 1514, 1521-22:

With respect to the general availability of customer information, courts are reluctant to protect customer lists to the extent they embody information which is "readily ascertainable" through public sources, such as business directories. (*American Paper & Packaging Products, Inc. v. Kirgan* (1986) 183 Cal.App.3d 1318, 1326, 228 Cal.Rptr. 713.) On the other hand, where the employer has expended time and effort identifying customers with particular needs or characteristics, courts will prohibit former employees from using this information to capture a share of the market. Such lists are to be distinguished from mere identities and locations of customers where anyone could easily identify the entities as potential customers. (See *Klamath-Orleans Lumber, Inc. v. Miller, supra*, 87 Cal.App.3d at p. 461, 151 Cal.Rptr. 118; *ABBA Rubber Co. v. Seaquist* (1991) 235 Cal.App.3d 1, 19-20, 286 Cal.Rptr. 518.) As a general principle, the more difficult information is to obtain, and the more time and resources expended by an employer in gathering it, the more likely a court will find such information constitutes a trade secret. (*Courtesy Temporary Service, Inc. v. Camacho* (1990) 222 Cal.App.3d 1278, 1287, 272 Cal.Rptr. 352.)

*Was there enough effort put into the list to qualify?*

The Customer List at issue is simply a long list (&#8776;300) names of businesses and nothing else; e.g., "City of Santa Clarita, City Place, Classic Designs, Club at Black Rock." There is no contact information, no person in charge, no preferences indicated, no evidence that the list is actual customers, and no indication of how the list was compiled. The source of the list is not disclosed. The Sreden declaration does not show what efforts were made to compile the list, except for very general statements that he has many years of specialized knowledge. As noted in *American Paper* at 1326, not all customer lists are entitled to protection. "While the information sought to be protected here, that is lists of

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customers who operate manufacturing concerns and who need shipping supplies to ship their products to market, may not be generally known to the public, they certainly would be known or readily ascertainable to other persons in the shipping business. The compilation process in this case is neither sophisticated nor difficult nor particularly time consuming." *Id.* Per *Courtesy Temporary Service, Inc. v. Camacho* (1990) 222 Cal.App.3d 1278, 1287-88 ("The compilation by Courtesy of its list of customers was the result of lengthy and expensive efforts, including advertising, promotional campaigns, canvassing, and client entertainment." "It is the list of persons who actually purchase Courtesy's services that constitute confidential information.")

Here, Leduff says that pages 1-10 include prospective customers who never actually did business with P. P does not contest that. The Sreden declaration refers to a list of P's "Top 100" customers, while 1-10 include over 300 names. There is insufficient evidence of the effort behind the compilation of business names. Because the Court does not believe P has met its burden of showing the required effort in compiling the list, it is necessary to reach whether there were sufficient efforts to maintain the list's secrecy.